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EXAMINER	
ANDERSON, GUY G	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,146	Applicant(s) HOEHNE ET AL.	
	Examiner Guy G. Anderson	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

- 1.1 In regards to the rejection of claim 11 under §103, applicant argues that “None of the cited references, either alone or in combination, disclose or suggest a first cassette that is configured to be separated and removed from the housing by pivoting the first cassette about a pivot point, which is formed by a closed end of a groove defined in the first cassette and a spindle of the housing, and sliding the spindle through an open end of the groove. Puetz discloses a cassette that is pivotally attached to a housing, but is not removable from the housing. Henschel and Quesnel disclose a cassette that may be removed from the housing, but cannot pivot about a pivot point. Accordingly, none of these references disclose a cassette that separates from a housing by a combination of pivoting and sliding. Furthermore, no reason is provided in any of the cited references or elsewhere to modify the cassettes of the cited references to separates from a housing by a combination of pivoting and sliding.” [Applicants remarks dated 12/21/2007 at page 5.]
- 1.2 Examiner disagrees. Puetz discloses a pivot hinge type assembly with a sliding pivot member #120. [Puetz at Col. 6, lines 30-31.] Further, Puetz disclose a pivot hinge with a post and hole arrangement as a means of rotating the cassette tray. [See citations in rejection below.]

Applicants claimed invention appears to use a pivot hinge with a post and groove/slot arrangement. The fact that the arrangement in Puetz is more complex and evolved mechanically as a design choice merely bolsters the argument that applicants claimed limitations are obvious in light of the cited prior art. Examiner fails to see any patentable distinction between the hinge assembly of Puetz and the hinge assembly of applicants claimed invention.
- 1.3 Further, while it may be argued that Puetz does not show a removable cassette tray, Henschel and Quesnel disclose such features. Examiner maintains that the state of the mechanical arts regarding hinge and drawer assemblies is not such that a minor modification to Puetz to allow for the removal of said cassette would be non obvious to a PHOSITA at the time of invention. Indeed, a review of the said mechanical arts regarding removable fiber optic cassette trays reveals a wide array of hinge and slideable or removable drawer

assemblies and examiner has cited to only a small number of available references that are usable as prior art and which read on applicants claims.

- 1.4 Examiner further relies on the Supreme Court for the premise that “The diversity of inventive pursuits and of modern technology counsels against confining the obviousness analysis by a formalistic conception of the words teaching, suggestion and motivation, or by overemphasizing the importance of published articles and the explicit content of issued patents.” KSR v. Teleflex, 127 S. Ct. 1727, 1731-1732. Further the court noted that often it will be necessary to “look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the **background knowledge possessed by a person having ordinary skill in the art**, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” Id at 1740-1741.
- 1.5 Combining the cited references would yield predictable results in that Puetz would have a removable cassette tray. Further, the means of achieving said removability would be a matter of obvious design choice in terms of the hinge and drawer assembly.
- 1.6 Applicant has not shown that the open slot or groove assembly used in the claimed invention is patentably distinct over the prior art.
- 1.7 In regards to the remaining rejections, applicant argues that the dependant claims are allowable as result of depending from claim 11. As examiner has stated that claim 11 is not allowable as currently written, this argument is rejected.

Claim Rejections - 35 USC § 103

- 2.1 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2883

2.2 **Claim 11 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US-5946440 to Puetz in view of US-6909833 to Henschel in further view of US-6201921 to Quesnel.

Regarding Claim 11, Puetz discloses optical fiber cable management device comprising/wherein:

11a) a housing defining a cavity, an opening at which a buffered fiber cable can be input into the housing, and at least one channel through which at least a first optical fiber of the buffered fiber cable can be fed, the housing including a spindle adjacent the cavity; a first cassette configured to mount within the cavity of the housing, the first cassette being configured to receive and store an excess length of the first optical fiber, the first cassette also being configured to pivot from a first position, in which the first cassette is positioned within the cavity of the housing, to a second position, in which at least a portion of the first cassette is positioned outside the housing. [Fig. 8-10, #20, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Puetz does not specifically disclose:

11b) the a first cassette defining a groove having an open end and a closed end, the groove configured to receive the spindle through the open end to mount the first cassette within the cavity of the housing, the closed end of the groove cooperates with the spindle to form a pivot point about which the first cassette pivots, the first cassette also being configured to be separated and removed from the housing by pivoting the first cassette to the second position and sliding the spindle through the open end of the groove in a direction transverse to the spindle; wherein the excess length of the first optical fiber is sufficiently long to allow the separation and removal of the first cassette from the housing to a remote workstation.

Henschel discloses an optical fiber enclosure system wherein the splice trays/storage cassettes are configured to be removable and have a predetermined amount of slack in order to allow the splice to be removed for servicing. [Fig. 27-28, Col. 9, lines 55-60, Col. 10, lines 38-50.]

Quesnel discloses a fiber optic splice enclosure with a removable drawer that accommodates various splice tray designs and can be easily transported to an environment suitable to perform the required splicing. [Col. 1, lines 10-22.]

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the elements of Quesnel and Henschel with the fiber cassette tray of Puetz in order to provide a removable splice tray that could be taken to remote work locations without disconnecting the fibers.

- 2.3 **Claims 14-23 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US-5946440 to Puetz in view of US-6909833 to Henschel in further view of US-6201921 to Quesnel. The combination of Puetz, Henschel and Quesnel discloses or makes obvious all of the limitations of the base claims upon which Claims 12-23 depend.

Regarding Claim 14, Puetz discloses a fiber cable management device comprising/wherein:

14) the first cassette includes a first coupling element at which the first optical fiber can be optically coupled to a second optical fiber. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 15, Puetz discloses a fiber cable management device comprising/wherein:

15) the first coupling element is formed as a splicing unit. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 16, Puetz discloses a fiber cable management device comprising/wherein:

16) the first coupling element is configured to receive first and second plug-in contacts. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 17, Puetz discloses a fiber cable management device comprising/wherein:

17) a second cassette configured to mount within the cavity of the housing, the second cassette having a second coupling element configured to receive and store a wound, excess length of at least a third optical fiber. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 18, Puetz discloses a fiber cable management device comprising/wherein:

18) the second cassette is pivotally mounted to the housing. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 19, Puetz discloses a fiber cable management device comprising/wherein:

19) the second cassette is removably mounted to the housing. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 20, Puetz discloses a fiber cable management device comprising/wherein:

20) the second optical fiber forms the buffered fiber cable with the first optical fiber. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 21, Puetz discloses a fiber cable management device comprising/wherein:

21) the second optical fiber forms a second buffered fiber cable separate from the first buffered fiber cable. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 22, Puetz discloses a fiber cable management device comprising/wherein:

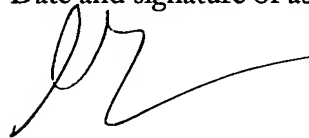
22) a plurality of cassettes configured to mount within the cavity of the housing. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 23, Puetz discloses a fiber cable management device comprising/wherein:

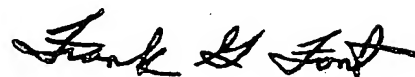
23) the first cassette includes at least a first guide element defining at least one path for receiving at least the first optical fiber, the path defined by the guide element including a minimum radius of curvature greater than a minimum-permissible bend radius of the first optical fiber. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Conclusion

- 3.1 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
- 3.2 A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
- 3.3 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy G. Anderson whose telephone number is 571.272.8045. The examiner can normally be reached on Tuesday-Saturday 0900-2200.
- 3.4 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571.272.2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
- 3.5 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
- 3.6 Date and signature of assistant examiner:



January 27, 2008



Frank G. Font
Supervisory Patent Examiner
Technology Center 2800